



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7431 TDD (304) 284-7512
www.morgantownwv.gov

May 22, 2014

Brenda L. Meneely
1210 Charles Avenue
Morgantown, WV 26505

**RE: CU14-05 / Brenda Meneely / 1210 Charles Avenue
Tax Map 21, Parcel 146**

Dear Ms. Meneely:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced petition for conditional use of a "Class 2 Home Occupation" located at 1210 Charles Avenue. The decision is as follows:

Board of Zoning Appeals, May 21, 2014:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. CU14-05 as requested with the following conditions:
 - a. That the petitioner shall meet all related supplemental regulations specified in Article 1331.06(2) et seq. of the Planning and Zoning Code.
 - b. That the conditional use approval granted herein is specific to the petitioner and may not be transferred without prior approval by the Board of Zoning Appeals.
 - c. If the petitioner, as the sole beneficiary of this conditional use approval, wishes to make changes in the conduct of the business that departs from the description in the application or from any other conditions or restrictions imposed by the Board of Zoning Appeals, the holder must obtain prior permission of the Board of Zoning Appeals.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,

Stacy Hollar
Executive Secretary
shollar@cityofmorgantown.org

ADDENDUM A – Approved Findings of Fact
CU14-05 / Brenda Meneely / 1210 Charles Avenue

Finding of Fact No. 1 – The home occupation will be compatible with residential uses of the dwelling, in that:

If a student visits the subject residence, it will not be more than one vehicle at a time, which is no different than if any other property owner were to have a visitor at their home. A vehicle, if any, would be non-commercial and not change the quality nor nature of the residential community.

Finding of Fact No. 2 – The home occupation will not change the residential character of the dwelling, in that:

It will not require any commercial trucks, shipping of goods, increased traffic flow, road obstruction, or additional construction/improvements to the land or structure.

Finding of Fact No. 3 – The home occupation will not detract from the residential character of the neighborhood, in that:

Teaching piano lessons inside the home will shield the community from any activity involving the applicant's business. There will be no signs, advertisement in the yard, on-street parking, or otherwise commercial activity beyond the single visitor for the purpose of piano lessons.

Finding of Fact No. 4 – Congestion in the streets will not be increased, in that:

The subject residence has a driveway that can fit at least three cars at a time. The piano lessons will be taught one-on-one, thus there will be excess driveway parking. Additionally, one visitor at a time will not increase the street traffic any more than if the residence were to have an occasional visitor.